

210701



Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-9241

Writer's Direct Dial Number

(757) 629-2759

James R. Paschall  
General Attorney

April 26, 2004



**FILED**

APR 28 2004

SURFACE  
TRANSPORTATION BOARD

Mr. Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D. C. 20423-0001

Re: STB Docket No. AB-290 (Sub. No. 253X), Norfolk Southern Railway  
Company – Abandonment - Between Escambia Junction and  
Trenton, South Carolina – Notice of Exemption

Dear Mr. Williams:

Enclosed for filing with the Board in the captioned proceeding are an  
original and ten copies of the Notice of Exemption. Also, enclosed is a check in  
the amount of \$2800 to cover the filing fee.

Please acknowledge receipt on the enclosed copy of this letter and return it  
to me in the self-addressed, stamped envelope.

Yours very truly,

James R. Paschall

JRP/kch  
Enclosures

ENTERED  
Office of Proceedings

APR 29 2004

Part of  
Public Record

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SURFACE  
TRANSPORTATION BOARD

210701

BEFORE THE  
SURFACE TRANSPORTATION BOARD

ENTERED  
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APR 29 2004

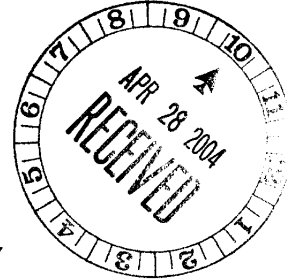
Part of  
Public Record

DOCKET NO. AB-290 (SUB-NO. 253X)

NORFOLK SOUTHERN RAILWAY COMPANY

-- ABANDONMENT --

BETWEEN ESCAMBIA JUNCTION AND TRENTON,  
IN EDGEFIELD COUNTY, SOUTH CAROLINA



**FILED**

APR 28 2004

**SURFACE  
TRANSPORTATION BOARD**

NOTICE OF EXEMPTION

**FEE RECEIVED**

APR 28 2004

**SURFACE  
TRANSPORTATION BOARD**

COMES NOW Norfolk Southern Railway Company ("NSR") and files this notice of exemption from regulation under 49 U.S.C. §§ 10903, pursuant to the provisions of 49 U.S.C. § 10502 and 49 CFR § 1152.50, for abandonment of its line of railroad lying between Milepost AB-1.5 at Escambia Junction and Milepost AB-6.0 at Trenton, South Carolina.

Pursuant to regulations adopted by the Interstate Commerce Commission in Ex Parte No. 274 (Sub-Nos. 8 and 8A), Exemption of Out of Service Rail Lines, 366 I.C.C. 885 (1983) and 1 I.C.C.2d 55 (1984), and by the Surface Transportation Board ("Board" or "STB") in STB Ex Parte No. 537, Abandonment and Discontinuance of Rail Lines and Rail Transportation Under 49 U.S.C. 10903, served December 24, 1996, and codified at 49 CFR § 1152.50, NSR states as follows:

Traffic Certification - §§ 1152.50(b) and (d)(2)

As the attached certificate of General Manager V. W. Mason confirms, no traffic has originated, terminated or moved overhead on this line segment for at least two years (or any overhead traffic on the line can be rerouted over other lines), and no complaint is pending with the Board or a U. S. District Court or has been decided in favor of a complainant concerning cessation of service over this line within the two-year period.

Consummation Date - § 1152.50(d)(2)

The effective date of the abandonment between Milepost AB-1.5 at Escambia Junction and Milepost AB-6.0 at Trenton, South Carolina, will be June 17, 2004.

General Corporate Information - § 1152.22(a)(1-2) and (7)

The party filing this notice is Norfolk Southern Railway Company, a common carrier by railroad subject to STB jurisdiction under the Interstate Commerce Commission Termination Act (Interstate Transportation Act) (49 U.S.C. Subtitle IV, Chapter 105), whose representative to whom correspondence may be sent is:

James R. Paschall  
General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510  
(757) 629-2759

Description of the Line and the Relief Sought - § 1152.22(a)(3-4 and 7)

The relief sought is an exemption from the prior approval requirements of 49 U.S.C. §10903 in order for NSR to abandon the subject line. The line that will be subject to abandonment under the exemption consists of 4.5 miles of track between Milepost AB-1.5 at Escambia Junction and Milepost AB-6.0 at Trenton, in Edgefield County, South Carolina. A map showing the line to be abandoned, other rail lines in the area, highways, and population centers is attached as Exhibit 1 to this notice. The line traverses United States Postal Service ZIP Code 29847.

Suitability of the Line for Other Public Purposes - § 1152.22(e)(4)

NSR has received no inquiries about public use of the right of way underlying the line segment to be abandoned and is unaware of any potential public purposes to which the right of way may be suited. NSR is not aware of any restriction on the title to the property which would affect the transfer of title or the use of property for other than rail purposes, however, NSR has not yet fully researched the matter.

Labor Protection - § 1152.50(d)(2)

Since the line to be abandoned has been out of service for over two years, NSR believes no employees will be adversely affected by exercise of abandonment authority for this line. However, as a condition to exercise of the authority permitted in this matter, NSR will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

Environmental and Historic Reports: Certifications - § 1105.7 and § 1105.8

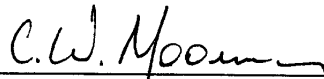
Attached are environmental and historical reports prepared and served in accordance with the Surface Transportation Board's regulations. NSR certifies that the notice and transmittal requirements of § 1105.7, § 1105.8 and § 1105.11 have been met.

Service and Newspaper Notice Requirements Certification - § 1152.50(d)(1-2)

As the attached certification indicates, NSR certifies that the service and notice requirements of § 1152.50(d)(1)(certain government agencies) and § 1105.12 (newspaper notice) have been complied with.

For the foregoing reasons, NSR believes the proposed rail line abandonment is exempt from the prior approval requirements of 49 U.S.C. §§ 10903 pursuant to 49 C.F.R. § 1152.50 and requests that the Board serve the appropriate notice of exemption.

Respectfully submitted.



C. W. Moorman  
Senior Vice President-Corporate Planning  
and Services  
Norfolk Southern Railway Company

Of Counsel:

James R. Paschall  
General Attorney  
Norfolk Southern Corporation  
Three Commercial Place  
Norfolk, Virginia 23510-2191  
(757) 629-2759

Attorney for Norfolk Southern  
Railway Company

Dated: April 26, 2004

VERIFICATION

COMMONWEALTH OF VIRGINIA :  
: SS:  
CITY OF NORFOLK :

C. W. Moorman, being duly sworn, deposes and says that he is Senior Vice President Corporate Planning and Services of Norfolk Southern Railway Company; that he is authorized to sign, verify, and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-290 (Sub-No. 253X) on behalf of Norfolk Southern Railway Company; that he has carefully examined all of the statements contained in said Notice of Exemption; that he has knowledge of the matters set forth therein; and that all such statements made and matters set forth are true and correct to the best of his knowledge, information, and belief.

C. W. Moorman  
C. W. Moorman

Subscribed and sworn to before me  
this 26th day of April, 2004.

Kathy E. Headrick  
Notary Public

My commission expires:

6/30/04

[SEAL]

## CERTIFICATION

STATE OF GEORGIA :  
SS:  
CITY OF ATLANTA :

V. W. Mason makes oath and says that he is General Manager Eastern Region for Norfolk Southern Railway Company; that the line between Milepost AB 1.5 at Escambia Jct. and Milepost AB 6.0 at Trenton, South Carolina, over which operations are to be abandoned, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.

V. W. Mason

Subscribed and sworn to before me  
this 12<sup>th</sup> day of April, 2004.

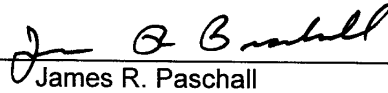
Mary K. Kishen  
Notary Public

My commission expires:

ROBERT L. BROWN, JAMES COUNTY, GEORGIA  
11/20/2004

CERTIFICATION

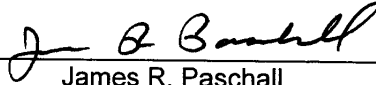
I hereby certify (1), pursuant to § 1105.11, that Environmental and Historic Reports were submitted to the agencies identified in § 1105.7(b) and to the appropriate State Historic Preservation Officer (see Exhibit 2); (2), pursuant to § 1105.12, that a notice of intent to abandon rail service was published in The Edgefield Advertiser, Edgefield, South Carolina, on April 7, 2004 (see Exhibit 3); and (3) that the notice required by § 1152.50(d)(1) was given (see Exhibit 4).

  
James R. Paschall

Dated: April 26, 2004

## CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Exemption was served upon Chairman, South Carolina Public Service Commission; Regional Director, National Park Service; the United States Department of Defense (MTMCTEA); National Park Service, Recreation Resources Assistance Division; National Park Service, Land Resources Division; and U. S. Department of Agriculture, Chief of the Forest Service; on April 26, 2004, by first class mail, postage prepaid.

  
James R. Paschall

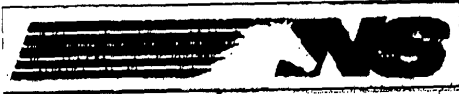
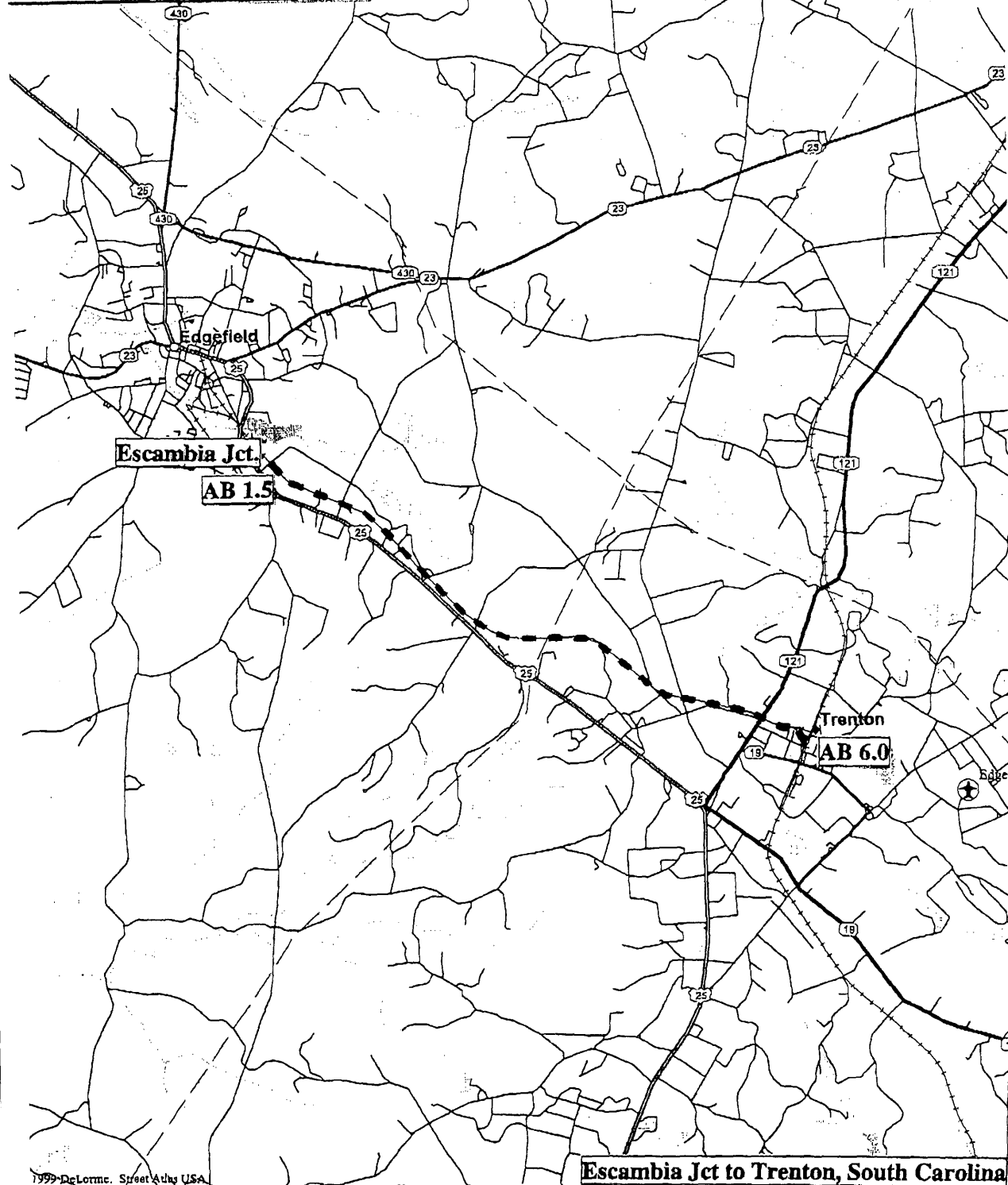


EXHIBIT 1



Escambia Jct to Trenton, South Carolina

**EXHIBIT 2**

**ENVIRONMENTAL AND  
HISTORIC REPORTS**

**ENVIRONMENTAL REPORT ON  
PROPOSED RAIL LINE ABANDONMENT**

**NORFOLK SOUTHERN RAILWAY COMPANY  
(BETWEEN MP AB-1.5 AND MP AB-6.0  
ESCAMBIA JUNCTION TO TRENTON, SOUTH CAROLINA)**

.....  
**NORFOLK SOUTHERN RAILWAY COMPANY  
ENVIRONMENTAL PROTECTION DEPARTMENT  
110 FRANKLIN ROAD, SE  
ROANOKE, VIRGINIA 24042-0013**

**1-9-15-04  
4-02-03**

**(EDTRER.doc)**

**ENVIRONMENTAL REPORT ON  
PROPOSED RAIL LINE ABANDONMENT**

**Abandonment of: 4.50 miles of track between MP AB-1.5 and MP AB-6.0 from  
Escambia Junction to Trenton, South Carolina**

1. PROPOSED ACTION AND ALTERNATIVES

Norfolk Southern Railway Company (hereinafter called NS) proposes to abandon use of 4.50 miles of rail line from Escambia Junction to Trenton, South Carolina. A Map delineating the line proposed for abandonment is attached as **Appendix A**.

The two alternatives to abandonment of the entire line are:

1. to not abandon; or
2. to discontinue service on the line and retain the trackage in place.

Were the line not conveyed in the aforementioned manner, alternative #1 would preclude any temporary impacts from salvage for recycling of the rails and crossties. However, this would eliminate the long-term environmental and social benefits.

2. TRANSPORTATION SYSTEM

Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. Within the last two years, no rail freight or passenger traffic has moved on the line segment proposed for abandonment. Consequently, no rail traffic will be diverted to highway mode as a result of the abandonment.

3. LAND USE

- (i) The proposed abandonment involves 4.50 miles of rail line from Escambia Junction to Trenton, South Carolina. The land use along the rail line proposed for abandonment of service 75% forest, 20% agricultural, and 5% residential. Where NS owns the right-of-way (ROW) it will be allowed to naturally revegetate. Where NS does not own the ROW, the owner and local zoning and development ordinances will control future land use.

With respect to effects of the proposed rail line abandonment on land use, NS believes any impact will be negligible. The absence of traffic on the rail line proposed for abandonment indicates a substantial lack of rail dependent land uses in the service area. Since no rail traffic moves on the line over which service is to be abandoned, the abandonment is not expected to have any effect on existing land use, future land use, land use plans or the land use planning process. Therefore the proposed abandonment is expected to be consistent with any land use plans for the service area.

(ii) Prime Agricultural Lands

No effects on any prime agricultural land are anticipated as a result of the abandonment.

(iii) Coastal Zone

Not Applicable

(iv) Alternative Public Use

NS does not have fee title to the entire ROW underlying the line proposed for abandonment; therefore, NS will not have a contiguous corridor available for public use. This factor, together with considerations related to location, physical condition, and adjacent conditions, leads NS to believe the ROW of the line proposed for abandonment would not be suitable for highways, other forms of mass transit, energy production related transportation facilities, conservation or recreation corridors, or other public use.

4. ENERGY

(i) Development and Transportation of Energy Resources

Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on development and transportation of energy resources.

(ii) Movement/Recovery of Recyclable Commodities

Movement/recovery of recyclable commodities will not be affected by the abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on movement or recovery of recyclable commodities.

(iii) Impact on Energy Efficiency

Energy efficiency will not be impacted by the proposed abandonment. No freight or passenger traffic has moved on the line proposed for abandonment for two years, and therefore, compared with the past two years, the abandonment would have no effect on energy efficiency.

(iv) Diversion of Traffic to Motor Carriers

No traffic is expected to be diverted to motor carriers in connection with the proposed abandonment.

5. AIR

The proposed action is abandonment and does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(5) and therefore does not require a quantified analysis of emissions.

(i) Effects on Air Emissions

Neither the State of South Carolina nor Edgefield County has established analysis thresholds for air emissions; however, the state of South Carolina does have regulations regarding the emission of fugitive dust to ambient air which state that particulate matter should be kept below “a non-desirable level”. Enforcement of this regulation is handled on a complaint basis. United States Environmental Protection Agency (USEPA) has National Ambient Air Quality Standards for pollutants (including ozone) as found in 40 CFR Part 50; however, NS does not anticipate any adverse effect on South Carolina’s air quality as a result of the proposed abandonment.

(ii) Class I or Non-Attainment Area

Edgefield County, SC, is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the USEPA. Edgefield County, SC, is in attainment for ozone. NS does not believe any Class I or Non-Attainment areas would be affected by the proposed abandonment.

(iii) Ozone Depleting Materials

Not applicable. Transportation of ozone depleting materials (such as nitrogen oxide and freon) is not contemplated, since the proposed action is abandonment.

6. NOISE

The proposed action does not exceed Surface Transportation Board thresholds at 49 CFR 1105.7 (e)(6) and therefore does not require a quantified analysis of noise levels. Noise levels associated with rail removal or salvage operations are temporary and should not have a significant impact on the area surrounding the proposed abandonment.

There is no federal noise regulation according to the EPA. The State of South Carolina has no established analysis or thresholds for noise. Edgefield County, however, has established a nuisance ordinance concerning noise that can be found in **Appendix B**.

7. SAFETY

(i) Public Health and Safety

Abandonment of the captioned rail line will have no significant effect upon public health or safety. At grade crossings on the line to be abandoned, the potential for accidents and delays will be eliminated.

(ii) Hazardous Materials Transport

Not applicable. Action proposed is abandonment.

(iii) Hazardous Waste or Hazmat Spill Sites

NS has no knowledge of sites where there have been known hazardous material spills on the ROW of the line proposed for abandonment or which will be affected by this abandonment. A search of company records was conducted and comments were requested from federal, state and local agencies. One hazardous waste site was identified near the area of the proposed abandonment described are as follows:

- a. A hazardous waste site (Federal Pacific Electric-SCD 036 137 248) exists near the NS ROW between Mileposts AB 1.5 and AB 2.0. The site covers 20 acres, with an onsite pond approximately 3 acres in size that was formerly used for treated wastewater effluent, and a paint sludge drying bed. The site was archived from CERCLIS on 11/02/95 (see **Appendix C**).

8. BIOLOGICAL RESOURCES

- (i) The US Fish and Wildlife Service (USFWS) and/or the South Carolina Department of Natural Resources has indicated several endangered and/or threatened species which may occur in Edgefield County. Detailed information is provided in **Appendix D** and summarized in the table below:

**ENDANGERED AND/OR THREATENED SPECIES  
EDGEFIELD COUNTY SOUTH CAROLINA**

|                | <b>Scientific Name</b>          | <b>Common Name</b>      | <b>Federal Status</b> | <b>State Status</b> |
|----------------|---------------------------------|-------------------------|-----------------------|---------------------|
| <b>Animals</b> | <i>Haliaeetus leucocephalus</i> | Bald eagle              | LT                    | --                  |
|                | <i>Picoides borealis</i>        | Red-cockaded woodpecker | LE                    | --                  |
|                | <i>Lasmigona decorata</i>       | Carolina heelsplitter   | LE                    | --                  |
| <b>Plants</b>  | <i>Ribes echinellum</i>         | Miccosukee gooseberry   | LT                    | --                  |
|                | <i>Trillium reliquum</i>        | Relict trillium         | LE                    | --                  |

LE – Listed Endangered

LT- Listed Threatened

-- Not Applicable

The US Fish and Wildlife Service indicates that “there is a potential habitat for the federally protected species and/or the presence of designated or proposed critical habitat within the action area” of the proposed project. However, NS does not believe that any critical habitat that may be present would be destroyed or modified as a result of the proposed abandonment. Since salvage operations will be handled generally within the ROW, NS does not believe that any endangered species that might be present would be adversely affected. NS is willing to undertake reasonable mitigating actions to protect any endangered

species that might be encountered in connection with abandonment activities.

(ii) Sanctuaries, Refuges and Parks

Based on the site investigation and comments received from government agencies, the line segment proposed for abandonment does not pass through any state parks/forests, national parks/forests, or wildlife sanctuaries. No adverse effects on any wildlife sanctuary, National Park, or State Park are anticipated.

9. WATER

(i) Water Quality Standards

NS does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned. The areal extent of disturbed areas will be kept to a minimum and limited to the ROW wherever possible. Since there are no plans to undertake in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, no water quality impacts are expected in connection with the proposed action. Therefore, NS considers the abandonment to be consistent with any applicable Federal, State, and/or local water quality standards.

(ii) Wetlands/100-Year Flood Plains

The rail line proposed for abandonment does not cross any streams or pass through the 100-year flood plains or wetlands associated with any waterways. Since the geometry of the roadbed will not be significantly altered, no discernible effects on either 100-year flood plains or wetlands

are expected in connection with the proposed abandonment. Consequently, NS does not believe a Section 404 permit will be required in connection with the proposed abandonment.

(iii) Section 402 Permit

Inasmuch as NS does not intend to either appreciably remove or alter the contour of the roadbed underlying the rail line to be abandoned, undertake significant in-stream work, or dredge and/or fill any materials in connection with the proposed abandonment, water quality effects should be negligible. NS does not believe that a permit under Section 402 of the Federal Water Pollution Control Act will be required.

10. PROPOSED MITIGATION

Abandonment of the involved rail line is not expected to produce adverse environmental impacts. Only minimal physical activity associated with removal of rail, ties, and other railroad appurtenances will be produced by the proposed action. NS will undertake all reasonable mitigation associated with these activities to assure that physical activities associated with the abandonment do not produce adverse environmental effects.

**Environmental Report on Proposed Rail Line Abandonment  
Escambia Junction to Trenton, South Carolina  
Milepost (AB-1.5 and MP AB-6.0)**

**Report Recipients**

| <b>Sir</b> | <b>First Name</b> | <b>Last Name</b>                      | <b>Primary Address</b>                                                | <b>City</b>  | <b>State</b> | <b>Zip</b> | <b>Date Sent</b> |
|------------|-------------------|---------------------------------------|-----------------------------------------------------------------------|--------------|--------------|------------|------------------|
| Mr.        | Hartsill          | Truesdale                             | SC DHEC Bureau of Land Waste Management 2600 Bull Street              | Columbia     | SC           | 29202      | 04/02/03         |
| Mr.        | Stanley           | Meiberg                               | USEPA - Region 4 Sam Nunn Atlanta Federal Center 61 Forsyth Street SW | Atlanta      | GA           | 28034      | 04/02/03         |
| Mr.        | Phil              | DeGarmo                               | US Fish and Wildlife Service 176 Croghan Spur, Suite 200              | Charleston   | SC           | 29407      | 04/02/03         |
| Ms.        | Tina              | Hadden                                | US Army Corps of Engineers 69A Hagood Avenue                          | Columbia     | SC           | 29203      | 04/02/03         |
| Mr.        | Jerry             | Belson                                | National Park Service - Southwest Region 100 Alabama Street SW        | Atlanta      | GA           | 30303      | 04/02/03         |
| Mr.        | Edward            | McKay                                 | National Geodetic Survey 1315 East Highway                            | Silverspring | MD           | 20910      | 04/02/03         |
| Ms.        | Julie             | Holling                               | SC Department of Natural Resources P.O. Box 167                       | Columbia     | SC           | 29202      | 04/02/03         |
| Mr.        | Jonathan          | McInnis                               | SC DHEC Division of Site Assessment and Remediation 2600 Bull Street  | Columbia     | SC           | 29202      | 04/02/03         |
| Ms.        | Helen M.          | Summer, Mayor                         | P.O. Box 36                                                           | Trenton      | SC           | 29847      | 04/02/03         |
| Mr.        | Wayne             | Adams, Edgefield County Administrator | 215 Jeter Street                                                      | Edgefield    | SC           | 29824      | 04/02/03         |
| Mr.        | Darrell           | Munn, Rail and Research Engineer      | P.O. Box 191<br>955 Park Street                                       | Columbia     | SC           | 29202      | 04/02/03         |
| Mr.        | L. G.             | Western                               | Norfolk Southern Railway Co.                                          | Norfolk      | VA           | 24042      | 04/02/03         |
| Mr.        | J. R.             | Paschall                              | Norfolk Southern Corporation                                          | Norfolk      | VA           | 23510      | 04/02/03         |
| Ms.        | J. M.             | Creekmore                             | Norfolk Southern Corporation                                          | Norfolk      | VA           | 23510      | 04/02/03         |

1-9-5-4

Mr. Hartsill Truesdale  
SC DEHEC Bureau of Land and Waste Management  
2600 Bull Street  
Columbia, South Carolina 29202

Subject: Norfolk Southern Railway Company Proposed Rail Line Abandonment of 4.50  
Miles of Rail Line Located between Milepost AB-1.5 and Milepost AB-6.0 from  
Escambia Jct. to Trenton, SC

Dear Mr. Truesdale:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP AB-1.5 to MP AB-6.0 (Escambia Jct to Trenton, SC) in Edgefield County, South Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423, Telephone (202) 565-1538 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

Sincerely,

K. R. Miller  
Director Environmental Operations

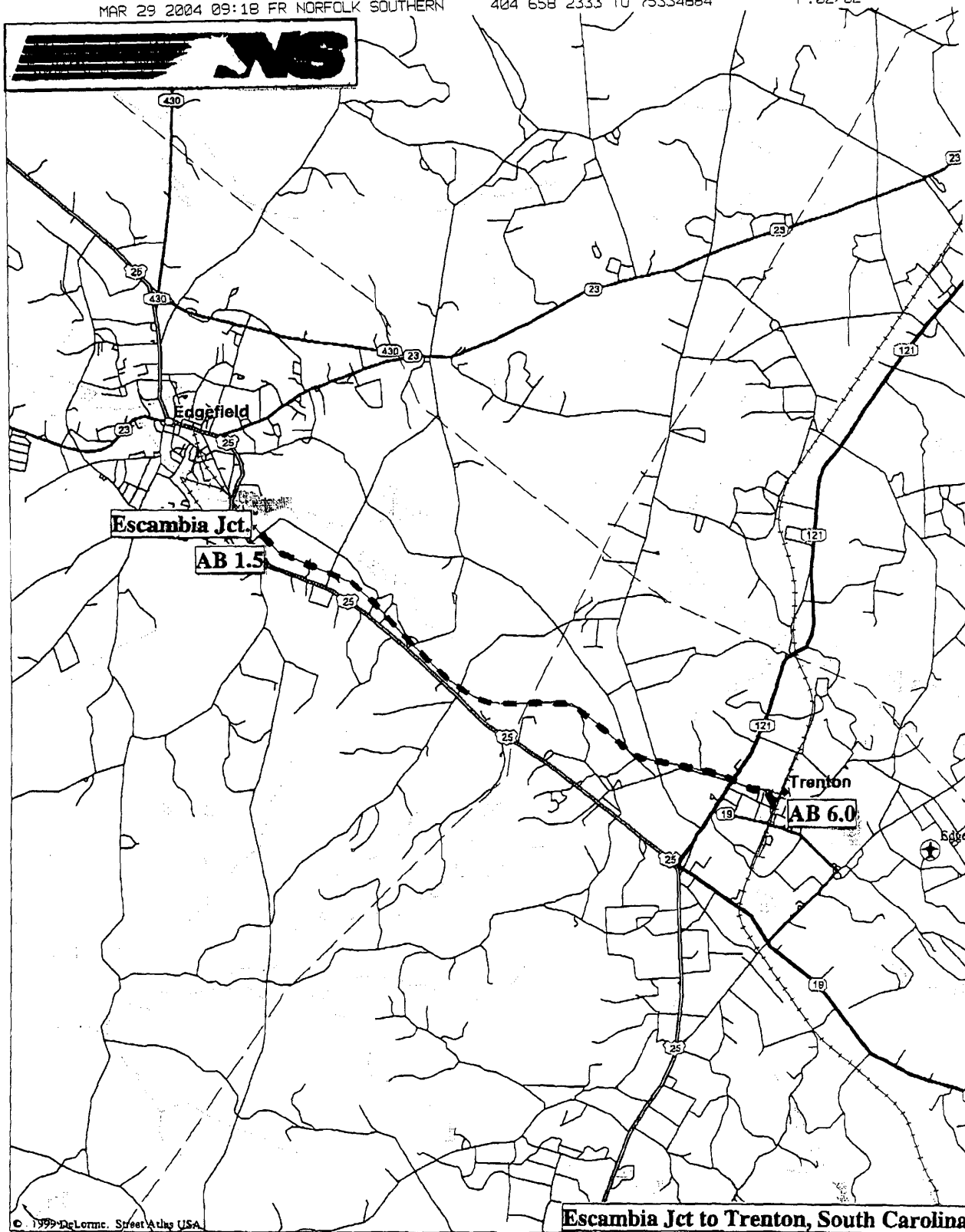
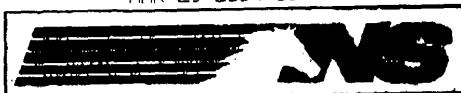
EDTRlet  
Attachment

CC: L. G. Western  
J. R. Paschall  
J. M. Creekmore

*Example  
of Letter  
w/ E.R.*

# **APPENDIX A**

## **Site Map**



## **APPENDIX B**

### **Noise Regulations**

## CHAPTER 91: NUISANCES

### Section

- 91.01 Definition
- 91.02 Nuisances prohibited
- 91.03 Specific nuisances
- 91.04 Complaints; investigation
- 91.05 Voluntary abatement
- 91.06 Assistance of county or state government
- 91.07 County Council hearing; action by county
- 91.08 Court action

### § 91.01 DEFINITION.

For the purpose of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

**RESIDENTIAL AREA.** Property developed primarily for residential use.  
(Ord. 94-95-323, passed 5-2-95)

### § 91.02 NUISANCES PROHIBITED.

It is declared as the policy of the County Council that any act of any person, group, or business within the unincorporated area of the county whereby the health or life of any person may be endangered, injured, or impaired, whereby disease may directly or indirectly be caused by the act, or whereby because of the act any property may be endangered, injured, or damaged is hereby declared to be a nuisance and unlawful.

(Ord. 94-95-323, passed 5-2-95) Penalty, see § 10.99

### § 91.03 SPECIFIC NUISANCES.

Specific acts of nuisance may include but are not expressly restricted to:

(A) The owner, occupant, or agent of any owner or occupant of one or more lots, parcels, or areas within the county:

- (1) Permitting the premises to become unsanitary or a fire menace by allowing any offensive

or unsafe matter to grow, accumulate, or otherwise occupy and remain upon such premises;

(2) Permitting pools of water to accumulate and remain upon the premises and become stagnant and foul;

(3) In a residential area allowing junk, disabled cars and trucks, trash, waste, old lumber, or used tires to accumulate and remain upon the premises as a possible harborage for rats, snakes, and other vermin;

(4) Allowing the accumulation of abandoned or unused objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, or containers;

(5) Allowing the accumulation of any compost pile which is of such a nature as to spread or harbor disease, emit unpleasant odors or harmful gas, or attract rodents, vermin, or other disease-carrying pests, animals, or insects; but the presence of earthworms in a compost pile shall not constitute a nuisance;

(6) Keeping or permitting another to keep upon any premises deleterious septic material unless such material is contained in containers or vessels which deny access to humans, flies, insects, rodents, vermin, and animals;

(7) In a residential area maintaining livestock, chickens, or groups of other domestic animals in such a manner as to allow the spread or harboring of disease, emit unpleasant odors or harmful gases, or attract rodents, vermin, or other disease-carrying pests, animals, or insects;

(8) Maintaining a premises or a building in a condition which is detrimental to property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located;

(9) Allowing any partially dismantled, wrecked, junked, discarded, or otherwise nonoperating motor vehicle to remain on such property longer than ten days; except that this subsection shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as not to be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful place, other than in a residential area, and operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the county or any other public agency or entity;

(B) (1) Any unreasonably loud or disturbing noise that causes material, physical, or mental discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof; and any noise of such character, intensity, or intermittent or continued duration which substantially interferes with the comfortable enjoyment of dwellings, hotels, or other types of residences by persons of ordinary sensibilities;

(2) The following acts, whether on or within public or private property, and the causing or

permitting thereof, are hereby specifically declared to be unreasonably loud and disturbing noises in violation of this section:

(a) The playing or permitting the playing at any time of any radio, tape recorder, phonograph, portable television set, loudspeaker, sound amplifier, amplified or unamplified musical instruments, live music of any kind, or any other sound-producing device by any person while inside any theater, retail store, bank, public or private building, public or private modes of transportation, indoor or outdoor public sports area, or any other public or private area in such manner or with such volume as to unreasonably disturb the quiet, comfort, or peace of the public or private residences;

(b) The harboring or keeping of a dog or other animal or bird that by loud and frequent or habitual barking, howling, yelping, crying, crowing, cackling, or singing shall cause disturbance to the neighborhood;

(c) The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any street or public or private place of the county for an unnecessary or unreasonable period of time, or with such volume as to create any unreasonably loud or harsh sound; provided that the prohibitions of this subsection shall not apply to the sounding of any horn or signaling device when used as a danger warning; and further provided that authorized emergency vehicles may use warning sounds at any time;

(d) The discharge into the open air within the county of the exhaust of any steam engine, gasoline engine, stationary internal combustion engine, or other kind or type of engine, motor boat, or motor vehicle, except through a muffler or other device that will effectively prevent loud or explosive noises therefrom;

(e) The use within the county of any wagon, cart, automobile, truck, motorcycle, or other vehicle so out of repair or loaded in such manner or with material of such nature as to create loud or irritating grating, grinding, rattling, or other noises;

(f) The creation within the county of loud or excessive noise in connection with loading or unloading of any vehicle, or the opening or destruction of bales, boxes, crates, containers, or the like, without exercising reasonable care to limit such noise and to confine the same;

(g) The operation within the county between the hours of 9:00 p.m. and 7:00 a.m. of any pile driver, power shovel, pneumatic hammer, derrick or hoist, or other appliance, the use of which is attended by loud or disturbing noises;

(h) The operation within the county of any noise-creating blower or power fan, the operation of which causes loud or disturbing noise, unless such blower or fan is muffled to deaden such noise;

(i) The creation within the county of any loud, irritating, or disturbing noise in the vicinity of any school, institution of learning, church, court of law, hospital, or neighborhood while the same is in use or occupied, and which unreasonably interferes with the workings of such institution, or which disturbs persons of ordinary sensibilities within these buildings or neighborhoods.

Signs shall be displayed at or near such a public building indicating that the same is a school, institution of learning, hospital, court of law, or church. A **NEIGHBORHOOD** shall be defined as one or more houses;

(j) Yelling, shouting, hooting, whistling, singing, loud music (live or recorded), or any other amplified or unamplified equipment on the public or private streets or other public or private areas (to include residences) of the county at any time or place of such duration, frequency, or volume as to disturb the peace, quiet, comfort, or repose of persons in the vicinity of the disturbances listed above;

(C) The owner, occupant, agent of any owner or occupant, or user of any one or more lots, parcels, or areas within the county using such lot or any building or erection thereon for the purposes of lewdness or prostitution, or for the sale or distribution or consumption of any illegal substance;

(D) Any person who makes any excessive, unnecessary, or unusually loud noise which disturbs others within the unincorporated area of the county. The term **EXCESSIVE, UNNECESSARY OR UNUSUALLY LOUD NOISE** is defined to be any sound which is plainly audible at a distance of 200 feet from its source. Sounds from emergency vehicles, churches, schools, lawn mowers, and other yard maintenance equipment and construction and public works machinery and equipment are exempt from the provisions of this section.

(Ord. 94-95-323, passed 5-2-95)

#### § 91.04 COMPLAINTS; INVESTIGATION.

(A) Whenever the county, through the County Administrator or his or her designee, shall receive complaints from five or more residents of the county who reside within 1,000 feet of the property line of the lot, lots, parcels, or areas where the alleged nuisance exists that there exists a situation which is harmful to the general health, safety, welfare, or security of the community, the County Administrator or his or her designee shall institute an investigation to determine if there is a reasonable basis for the complaint. The County Administrator or his or her designee is authorized to request that other agencies or departments assist him or her in making such a determination.

(B) Complaints concerning nuisances described in § 91.03(B) and (D) above can be made by one or more residents of the county regardless of the location of their residencies. Such complaints shall be made by the residents directly to the Sheriff of the county, and shall be investigated by the Sheriff or his or her designee.

(Ord. 94-95-323, passed 5-2-95)

#### § 91.05 VOLUNTARY ABATEMENT.

If there is a reasonable basis for a complaint made to the County Administrator, the County Administrator or the County Sheriff as determined above or his or her designee shall, by informal contact, attempt to get the person, persons, or entities to willingly and voluntarily abate the nuisance or correct the situation. The County Administrator and the County Sheriff or his or her designee shall

have the authority to enter into any agreement to abate as may be appropriate provided that the same does not commit the county to expand any public funds in any form or nature, be it monetary, equipment, or personnel.

(Ord. 94-95-323, passed 5-2-95)

#### **§ 91.06 ASSISTANCE OF COUNTY OR STATE GOVERNMENT.**

If after taking the actions provided for in the above paragraph the County Administrator or the Sheriff or his or her designee shall not be successful in getting the person, persons, or entities to willingly and voluntarily abate the nuisance or correct the situation about which complaints are received, he or she shall then request the appropriate agency or department of county or state government to assist in having the nuisance abated or the situation corrected.

(Ord. 94-95-323, passed 5-2-95)

#### **§ 91.07 COUNTY COUNCIL HEARING; ACTION BY COUNTY.**

(A) (1) If the County Administrator or the Sheriff or his or her designee is not able to resolve the situation satisfactorily after taking the steps provided for above, he or she shall cause the matter to be brought before the County Council for a determination as to whether further action should be taken. The Administrator or the Sheriff shall attempt to notify all interested parties as to the date, time, and place of the hearing.

(2) In addition, the Administrator or the Sheriff shall notify the offending person, persons, or entities in writing of the date, time, and place of hearing by delivering to them a notice of the same. "Delivering," as used in this section, shall be sufficient if deposited in the U.S. Mail first-class postage prepaid to the person's, persons' or entities' last-known address; and failure to receive the same shall not be material to further deliberation of the County Council.

(B) The County Council shall have the authority to instruct one of its standing committees to conduct the hearing required in (A); and that committee shall report its findings to the County Council. The County Council may either adopt the recommendation and report of the committee, or it may conduct another hearing in whole after the required notices. Such recommendations may be that no further action needs to be taken, that the appropriate persons or entities shall abate the nuisance within a definite time frame, or such other action as the Council deems appropriate.

(C) The County Council may determine that the situation is so deleterious or injurious to the health, security, general welfare, and safety of the county that it may instruct the appropriate department to expend funds to abate the nuisance. Any such public funds used to abate the nuisance shall be deemed to be a lien upon the property, and shall be recorded in the office of the Clerk of Court as such upon a lien form to be developed by the County Administrator or his or her designee.

(Ord. 94-95-323, passed 5-2-95)

**§ 91.08 COURT ACTION.**

(A) Complaints concerning nuisances described in § 91.03(B) and (D) made by one or more residents of the county may be investigated by the Sheriff. The Sheriff or any of his or her deputies, upon witnessing, observing, or hearing a violation of any provision of this chapter, may issue a warning or may issue a citation against any violator of the provisions of this chapter with such charge or charges to be adjudicated by the magistrate's court.

(B) Any citizen, upon witnessing, observing, or hearing a violation of any provision of this chapter, may request a magistrate to issue an arrest warrant against any violator of the provisions of this chapter with such charge or charges to be adjudicated by the magistrate's court.

(C) The County Council may instruct the County Attorney to institute an action in the appropriate court seeking injunctive relief requiring the person, persons, or entities to abate the nuisance or to cease and desist from the offending behavior.

(Ord. 94-95-323, passed 5-2-95)

## **APPENDIX C**

### **Hazardous Waste Sites**



600 Bull Street  
Columbia, SC 29201-1708

July 2, 2001

Mr. David Wilson  
Marshall Miller & Associates  
P.O. Box 48  
Bluefield, VA 24605-0848

Dear Mr. Wilson:

Please find attached three maps showing the sites you faxed to me on 6/29/01.  
Below is our database description of these sites:

**York County:**

Bobo's Body Shop - SCD 987 571 759  
Body Shop, garage - no sampling by SCDHEC.  
Preliminary Assessment - 6/22/94  
EPA NFRAP'ed and Archived from CERCLIS 12/6/94

Electric Service Company - SCD 036 247 872  
No sampling by SCDHEC  
Preliminary Assessment - 6/30/97  
EPA NFRAP'ed and Archived from CERCLIS 8/15/97

National Fence Manufacturing Co. Inc. - SCD 045 451 390  
Site contained a storage tank of sulfuric acid which has been removed from the site. There was also a pickling tank for dipping fence material.  
Preliminary Assessment - 6/16/88  
Site Inspection (EPA contractor) - 11/22/91  
EPA NFRAP'ed and Archived from CERCLIS 11/22/91

**Edgefield County:**

Federal Pacific Electric - SCD 036 137 248  
20 acre site, onsite pond approx. 3 acres in size was formerly used for treated waste water effluent. Also has a paint sludge drying bed.  
Preliminary Assessment - 7/25/95 (EPA contractor)  
EPA NFRAP'ed and Archived from CERCLIS 11/02/95

Mr. David Wilson  
July 2, 2001  
Page 2

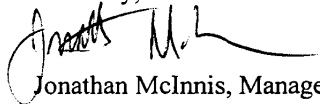
**Sumter County:**

Shaw Air Force Base – SC7 570 024 466  
Referred – Federal Facility  
Added to CERCLIS 4/29/88

All of the sites were listed due to being placed on CERCLIS. However, as the list shows, all of the sites of interest with the exception of Shaw Air Force Base have been archived from CERCLIS by USEPA.

Please contact me at (803) 896-4061 if you have additional questions or need more information.

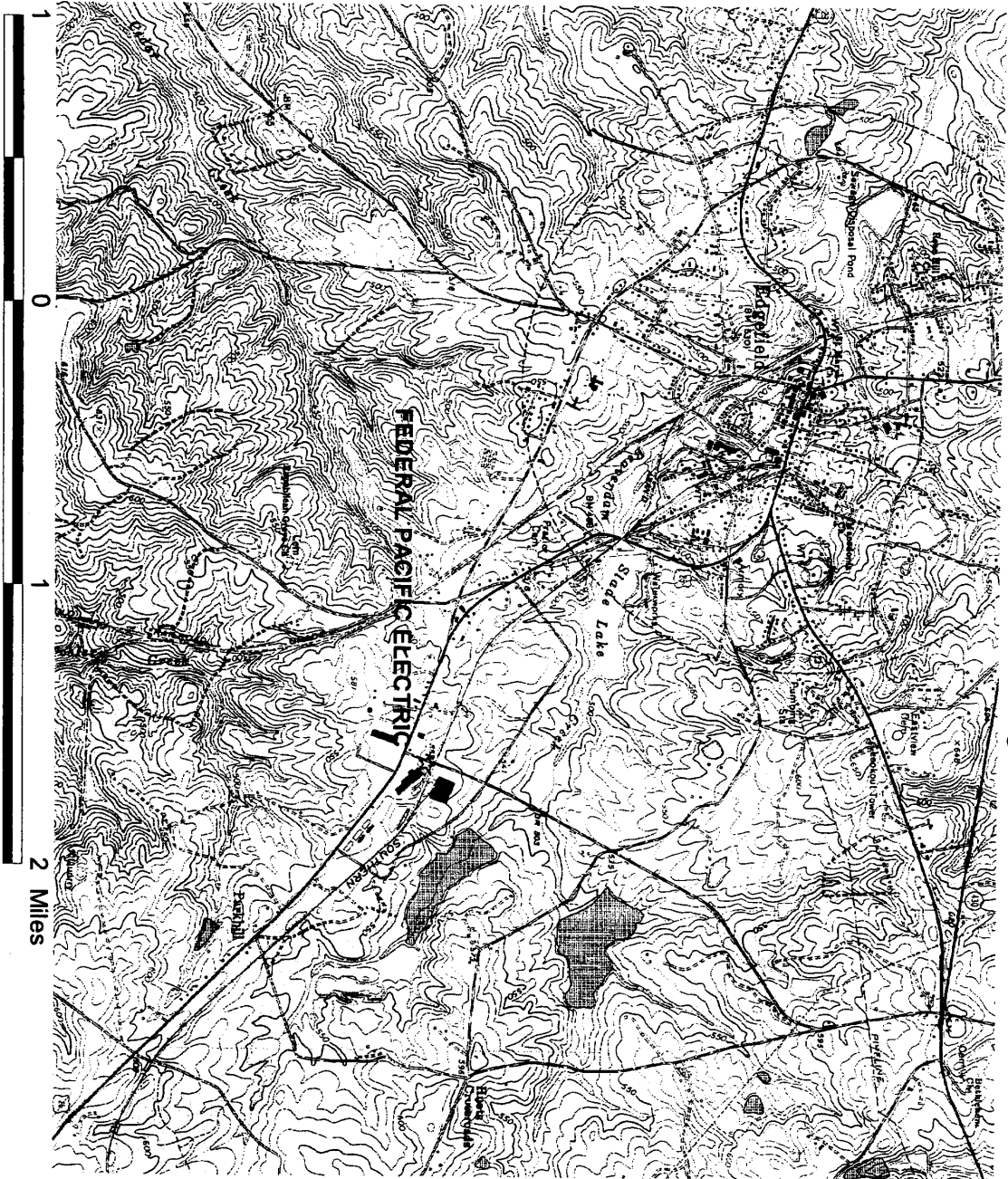
Sincerely,

A handwritten signature in black ink, appearing to read 'Jonathan McInnis', written over a horizontal line.

Jonathan McInnis, Manager  
Site Assessment Section  
Division of Site Assessment and Remediation  
Bureau of Land & Waste Management

Enclosures

# Edgefield County, SC



**APPENDIX D**  
**Federal and State Threatened and**  
**Endangered Species**



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

176 Croghan Spur Road, Suite 200  
Charleston, South Carolina 29407

July 6, 2001

Mr. David L. Wilson  
Marshall, Miller and Associates  
P.O. Box 848  
Bluefield, Virginia 24605-0848

Re: T&E Species and Critical Habitat in Edgefield, Sumter, and York Counties, SC  
FWS Log No. 4-6-01-I-308

Dear Mr. Wilson:

We have reviewed the information received June 12, 2001 concerning the proposed abandonment of one segment of railway line in each of Edgefield, Sumter and York Counties, SC. The following comments are provided in accordance with the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661-667e), and section 7 of the Endangered Species Act, as amended (16 U.S.C. 1531-1543).

We believe there is potential habitat for federally protected species and/or the presence of designated or proposed critical habitat within the action area of your proposed project. Staffing limitations currently prevent us from conducting a field inspection of the action area. Therefore, we are unable to provide you with site-specific comments at this time.

Without further analysis of the "effects of the action," (as defined by 50 CFR 402.02) on federally protected species we are unable to concur that the proposed action is not likely to adversely impact such species and/or critical habitat.

Therefore, we are providing a list of the federally endangered (E) and threatened (T) and candidate (C) species which potentially occur in Edgefield, Sumter, and York Counties, South Carolina to aid you in determining the impacts your project may have on protected species. The list also includes species of concern under review by the Service. Species of concern (SC) are not legally protected under the Endangered Species Act, and are not subject to any of its provisions, including Section 7, until they are formally proposed or listed as endangered/threatened. We are including these species in our response for the purpose of giving you advance notification. These species may be listed in the future, at which time they will be

protected under the Endangered Species Act. Therefore, it would be prudent for you to consider these species early in project planning to avoid any adverse effects.

In-house surveys should be conducted by comparing the habitat requirements for the attached listed species with available habitat types at the project site. Field surveys for the species should be performed if habitat requirements overlap with that available at the project site. Surveys for protected plant species must be conducted by a qualified biologist during the flowering or fruiting period(s) of the species. Surveys for the red-cockaded woodpecker should be conducted in accordance with the "Guidelines for preparation of biological assessments and evaluations for the red-cockaded woodpecker" by Gary Henry. A copy of these guidelines is available from this office. Please notify this office with the results of any surveys for the below list of species and an analysis of the "effects of the action," as defined by 50 CFR 402.02 on any listed species including consideration of direct, indirect, and cumulative effects.

We also recommend you contact the S.C. Department of Natural Resources (SCDNR), Data Manager, Wildlife Diversity Section, Columbia, SC 29202, concerning known populations of federal and/or state endangered or threatened species, and other sensitive species in the project area. Additional habitat information may also be available from SCDNR. The National Marine Fisheries Service, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2449 should be contacted for consultation on species under their jurisdiction.

There are no Fish and Wildlife Refuges in the areas of concern. However, the following list of threatened and endangered species that occur in the counties of the proposed railway line abandonments will help you gather the information you need.

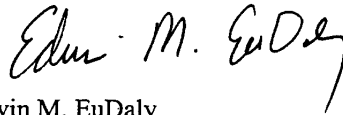
| <u>County</u>    | <u>Common Name</u>      | <u>Scientific Name</u>          | <u>Status</u> | <u>Occurrences</u> |
|------------------|-------------------------|---------------------------------|---------------|--------------------|
| <b>Edgefield</b> | Bald eagle              | <i>Haliaeetus leucocephalus</i> | T             | Known              |
|                  | Red-cockaded woodpecker | <i>Picoides borealis</i>        | E             | Known              |
|                  | Carolina heelsplitter   | <i>Lasmigona decorata</i>       | E             | Known              |
|                  | Miccosukee gooseberry   | <i>Ribes echinellum</i>         | T             | Possible           |
|                  | Relict trillium         | <i>Trillium reliquum</i>        | E             | Known              |
|                  | Georgia aster           | <i>Aster georgianus</i>         | C             | Known              |
|                  | Brook floater           | <i>Alasmidonta varicosa</i>     | SC            | Known              |
|                  | Shoals spider-lily      | <i>Hymenocallis coronaria</i>   | SC            | Known              |
|                  | Yellow lampmussel       | <i>Lampsilis cariosa</i>        | SC            | Known              |
| <b>Sumter</b>    | Bald eagle              | <i>Haliaeetus leucocephalus</i> | T             | Known              |
|                  | Red-cockaded woodpecker | <i>Picoides borealis</i>        | E             | Known              |
|                  | Shortnose sturgeon      | <i>Acipenser brevirostrum</i> * | E             | Known              |
|                  | Canby's dropwort        | <i>Oxypolis canbyi</i>          | E             | Known              |
|                  | Chaff-seed              | <i>Schwalbea americana</i>      | E             | Known              |
|                  | Dwarf burhead           | <i>Echinodorus parvulus</i>     | SC            | Known              |
|                  | Awnead meadowbeauty     | <i>Rhexia aristosa</i>          | SC            | Known              |
|                  | Boykin's lobelia        | <i>Lobelia boykinii</i>         | SC            | Known              |

York

|                          |                                 |    |          |
|--------------------------|---------------------------------|----|----------|
| Bald eagle               | <i>Haliaeetus leucocephalus</i> | T  | Known    |
| Little amphianthus       | <i>Amphianthus pusillus</i>     | T  | Known    |
| Schweinitz' sunflower    | <i>Helianthus schweinitzii</i>  | E  | Known    |
| Dwarf-flowered heartleaf | <i>Hexastylis naniflora</i>     | T  | Possible |
| Georgia aster            | <i>Aster georgianus</i>         | C  | Known    |
| Carolina darter          | <i>Etheostoma collis</i>        | SC | Known    |
| Shoals spider-lily       | <i>Hymenocallis coronaria</i>   | SC | Known    |
| Sun-facing coneflower    | <i>Rudbeckia heliopsidis</i>    | SC | Known    |

Your interest in ensuring the protection of endangered and threatened species and our nation's valuable wetland resources is appreciated. If you have any questions please contact Ms. Lori Duncan, or Ms. Olivia Westbrook of my staff at (843) 727-4707 ext. 21. In future correspondence concerning the project, please reference FWS Log No. 4-6-01-I-308.

Sincerely yours,



Edwin M. EuDaly  
Acting Field Supervisor

EME/OW/LWD

## **APPENDIX E**

### **Agency Responses**

# South Carolina Department of Natural Resources



Paul A. Sandifer, Ph.D.  
Director  
William S. McTeer  
Deputy Director for  
**Wildlife and  
Freshwater Fisheries**

June 12, 2001

David L Wilson, Program Manager  
Marshall Miller & Associates  
P.O. Box 848  
Bluefield, VA 24605-0848

RE: T&E Species and Critical Habitat in Edgefield, Sumter, and York  
Counties, South Carolina

Dear Mr. Wilson,

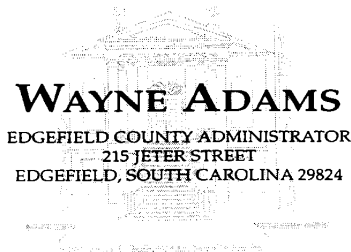
I have checked our database for federally or state listed threatened or endangered species in the immediate vicinity of the railway segments in question. There are none in the vicinity of either the Foxville to Hasskamp section or the Eastside Jct. to Trenton section. There is one occurrence of *Helianthus schweinitzii* (Schweinitz's sunflower) adjacent to the Rock Hill to Tirzah section. It is located between SC-161 and the railway line, about 0.35 mile west of the intersection of SC-161 and SC-274. Please understand that our database does not represent a comprehensive biological inventory of the state. Field work remains the responsibility of the investigator.

If you need additional assistance, please contact me by phone at 803/734-3917 or by e-mail at [JulieH@scdnr.state.sc.us](mailto:JulieH@scdnr.state.sc.us).

Sincerely,

Julie Holling  
SC Department of Natural Resources  
Heritage Trust Program

TELEPHONE: (803) 637-4000  
FAX: (803) 637-4056



July 19, 2001

Messrs. Dave Wilson & Rory Mullenex  
Marshall Miller & Associates  
PO Box 848  
Bluefield, Virginia 24605-0848

**Re: Proposed abandonment of railway line in Edgefield County**

Dear Sirs:

This letter concerns recent questions posed by your firm on behalf of Norfolk Southern Railway Company concerning a proposed abandonment. The proposed abandonment involves a segment of railway line extending from Eastside Junction to Trenton in Edgefield County.

Of the questions asked in your letter of July 12, 2001, I can provide answers to several; however, other questions, such as those concerning endangered species and wildlife sanctuaries, are best answered by other agencies. Additionally, complete answers to questions about environmental cleanup activities should involve personnel more familiar with those areas.

With respect to objections by Edgefield County, the chief reason why the County would not like to see the line abandoned is that this segment provides rail access to several parcels of land that would be of interest to industrial development prospects. While rail access is not essential to all industrial activities, there are certainly those companies who cannot conduct their operations without it. Edgefield County wishes to preserve rail access to these sites, which, importantly, are also well served by other vital infrastructure, including water and sewer capacities conducive to industrial development.

As to pollution standards, the County does not have locally established, measurable thresholds for air emissions or fugitive dust regulations. Edgefield County is, however, categorized as Class I under National Ambient Air Quality Standards. This is chiefly due to our proximity to the Augusta (Ga.) Metropolitan Statistical Area. The County does have a nuisance ordinance concerning noise, though that ordinance does not call for the measurement of noise in decibels or other means. A copy of the nuisance ordinance is attached for your review.

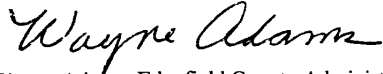
Where hazardous waste sites are concerned, there is one building at the corner of US Hwy. 25 and Star Road currently under remediation by the SC Department of Health and Environmental Control (SCDHEC). This is an abandoned building of about 100,000 square feet that was once home to a company known as Federal Pacific. I would recommend your talking with officials at SCDHEC as to specifics regarding cleanup issues surrounding this facility.

The line segment you are considering abandoning does not pass through any federal, state, or local parks. You should be aware, however, that just beyond the terminus of the segment is an abandoned rail segment that has been converted to a "rail-trail" park. Moreover, I understand that there are plans to expand that recreation area. I strongly suggest that you speak with officials at the Town of Edgefield regarding how the proposed abandonment might affect their plans to extend the Ten Governors Rail Trail.

Marshall Miller & Associates, Page Two

Thank you for allowing Edgefield County to respond to issues surrounding the proposed rail segment abandonment. Should you need further information in this matter, please do not hesitate to contact me directly. I can be reached at (803) 637-4000, and I look forward to assisting you in gathering any information that might be in my possession.

Sincerely,

A handwritten signature in cursive script that reads "Wayne Adams".

Wayne Adams, Edgefield County Administrator

Attachment

# South Carolina Department of Natural Resources



Paul A. Sandifer, Ph.D.  
Director

April 25, 2003

Section of Environmental Analysis (SEA)  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-001

REF: Norfolk Southern Railway Company Proposed Main Line Abandonment of 4.50 miles of Rail Line Located between Milepost AB-1.5 and Milepost AB-6.0 from Escambia Jct. to Trenton, SC; Docket 1-9-5-4

Dear Surface Transportation Board:

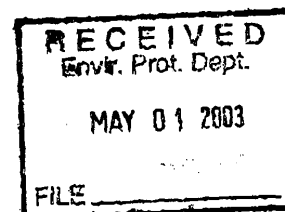
Personnel with the South Carolina Department of Natural Resources have reviewed the above referenced project and evaluated its impact on wildlife and fisheries habitat, wetlands, endangered species, floodplains, water quality, recreation and other factors relating to the conservation of natural resources.

The proposed work consists of abandoning 4.5 miles of track from MPAB-1.5 and MP AB-6.0 from Escambia Junction to Trenton in Edgefield County, South Carolina. No natural resources of specific concern have been identified on the proposed project site and it is our opinion that the proposed project will not substantially alter the quality of the natural environment.

We appreciate the opportunity to review the proposed project and provide these comments.

Sincerely,

Robert E. Duncan  
Environmental Programs Director



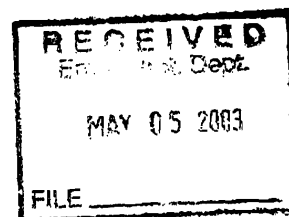
cc: K.R. Miller - Norfolk Southern Corporation



Norfolk Southern Corporation  
Environmental Protection  
110 Franklin Road, S.E.  
Roanoke, Virginia 24042-0013

RECEIVED APR 07 2003

April 2, 2003  
1-9-5-4



Mr. Phil DeGarmo  
US Fish and Wildlife Service  
176 Croghan Spur, Suite 200  
Charleston, South Carolina 29407

Subject: Norfolk Southern Railway Company Proposed Main Line Abandonment of 4.50 Miles of Rail Line Located between Milepost AB-1.5 and Milepost AB-6.0 from Escambia Jct. to Trenton, SC

Dear Mr. DeGarmo:

Norfolk Southern plans to file an application with the Surface Transportation Board (STB) seeking authority to abandon rail service from MP AB-1.5 to MP AB-6.0 (Escambia Jct to Trenton, SC) in Edgefield County, South Carolina. Attached is an Environmental Report describing the proposed action and any expected environmental effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is misleading or incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA), Room 3219, Surface Transportation Board, 1925 K Street, N.W., Washington DC 20423, Telephone (202) 565-1538 and refer to the above Docket. Because applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing our application with the STB, we must receive your comments within three weeks. Please either provide a copy of your comments by mail at the address shown on this letterhead or provide information by telephone to Mr. Larry Western at (540) 981-4239.

The U.S. Fish and Wildlife Service (USFWS) has reviewed the plans for this proposed project.

Sincerely,

☒ It is our opinion that the proposed action is not likely to have reasonably foreseeable adverse effects on resources under the jurisdiction of the USFWS that are currently protected by the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et. seq.)(Act). Therefore, no further action is required under Section 7(a)(2) of the Act.

K. R. Miller  
Director Environmental Operations

☐ It is our opinion that the proposed action is not likely to have significant adverse wetland impacts. Please contact the Corps of Engineers for more information.

U.S. Fish and Wildlife Service, 176 Croghan Spur Road, Suite 200,  
Charleston, SC 29407, (843) 727-4707

FWS Log No. 4-6-03-1242 Date 4-29-03

Ading

Field Supervisor

46

Operating Subsidiary: Norfolk Southern Railway Company

MAY 15 2003 17:06

540 981 4651

PAGE 12

REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69 A Hagood Avenue  
CHARLESTON, SOUTH CAROLINA 29403-5107



May 6, 2003

Regulatory Division

Mr. Larry Western  
Norfolk Southern Corporation  
110 Franklin Road, SE  
Roanoke, Virginia 24042-0013

Dear Mr. Western:

This is in response to your letter dated April 2, 2003, and to our subsequent telephone conversation held on April 23, 2003, concerning the abandonment of a 4.5 mile segment of rail line located in South Carolina. The segment to be taken out of service extends from the Escambia Junction to the Town of Trenton and is located in Edgefield County.

A review of the information provided, as well as the information gained in our telephone conversation, demonstrates that if the rail lines are abandoned, only the rails and crossies will be removed. Any earthen material or ballast used in the construction of the railroad bed will remain in place. The location map provided also demonstrates that none of the proposed lines to be abandoned cross any navigable waters of the U.S. Therefore, this is to advise you that the activity you propose in the manner described is not an activity that is regulated by the Corps of Engineers and will not require a Department of the Army permit. As further discussed, if any future activities you propose require the placement of dredged or fill material in waters of the U.S., including wetlands, a Department of the Army Permit will be required pursuant to Section 404 of the Clean Water Act.

In future correspondence concerning this matter, please refer to SAC-53-2003-0630-D. You may still need State or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control. A copy of this letter is being forwarded to them and the Environmental Protection Agency for their information.

Your cooperation in the protection and preservation of our navigable waters and natural resources is greatly appreciated. If you have any questions concerning this matter, please contact me at 843-329-8044 or toll free at 866-329-8187.

Respectfully,

S. Dean Herndon  
Project Manager  
Regulatory Division

Copy Furnished:

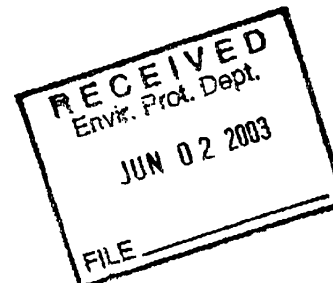
South Carolina Department of  
Health and Environmental Control  
Attn: Mr. Quinton Epps  
Bureau of Water Pollution Control  
2600 Bull Street  
Columbia, South Carolina 29201

U. S. Environmental Protection Agency  
Region IV, Wetlands Regulatory Unit  
100 Alabama Street, S.W.  
Atlanta, Georgia 30303



UNITED STATES DEPARTMENT OF COMMERCE  
National Oceanic and Atmospheric Administration  
NATIONAL OCEAN SERVICE  
National Geodetic Survey  
Silver Spring, Maryland 20910-3282

MAY 29 2003



Ms. Victoria J. Rutson  
Chief, Section of Environmental Analysis  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, D.C. 20423-0001

Dear Ms. Rutson:

The area in question on the map with the Environmental and Historic Reports for the proposed rail line abandonment of Norfolk Southern Railway Company for 4.5 miles of rail line between MP AB-1.5 and MP AB-6.0 from Escambia Jct. to Trenton in Edgefield County, South Carolina, STB Docket No. - Not Available, has been reviewed within the areas of National Geodetic Survey (NGS) responsibility and expertise and in terms of the impact of the proposed actions on NGS activities and projects.

As a result of this review, 2 geodetic station markers have been identified that may be affected by the proposed abandonment; a listing of these markers is enclosed. Additional information about these station markers can be obtained via the Internet or NGS CD-ROM. A fact sheet for these two data retrieval methods is enclosed. If there are any planned activities which will disturb or destroy these markers, NGS requires not less than 90 days notification in advance of such activities in order to plan for their relocation.

If further information is needed for this geodetic marker, contact Mr. Frank C. Maida. His address is NOAA, N/NGS2, Room 8736, 1315 East-West Highway, Silver Spring, Maryland 20910-3282, telephone: 301-713-3198, fax: 301-713-4324, e-mail: [Frank.Maida@noaa.gov](mailto:Frank.Maida@noaa.gov).

Sincerely,

Richard A. Snay  
Chief, Spatial Reference System Division

Enclosures

cc: N/NGS1 - G. Mitchell  
~~L.G. Western, Norfolk Southern~~ /  
L. Lapinc, South Carolina Geodetic Survey



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NORFOLK SOUTHERN RAILWAY COMPANY  
IN EDGEFIELD COUNTY, SOUTH CAROLINA  
BETWEEN ESCAMBIA JUNCTION AND TRENTON  
STB DOCKET NO. - NOT AVAILABLE

2 GEODETIC CONTROL MARKS IN THE PROPOSED ABANDONMENT AREA

| PID    | DESIGNATION | LATITUDE | LONGITUDE |
|--------|-------------|----------|-----------|
| DE1071 | PTS 3 USGS  | N334436  | W0815026  |
| DE1072 | X 49        | N334437  | W0815026  |



Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-9241

James R. Paschall  
General Attorney

Writer's Direct Dial Number  
(757) 629-2752

April 12, 2004

Mr. Roger Stroup, Director  
South Carolina Archives and History  
8301 Parklane Road  
Columbia, SC 29223

Re: Docket No. AB-290 (Sub-No. 253X), Norfolk Southern Railway Company --  
Abandonment -- between Escambia Junction and Trenton, South Carolina

Dear Mr. Stroup:

On or about April 28, 2004, we expect to be filing with the Surface Transportation Board a notice of exemption seeking authority to abandon 7.3 miles of rail line located between railroad milepost AB-1.5 at Escambia Junction and railroad milepost AB-6.0 at Trenton, South Carolina. Attached is a Historic Report describing the proposed action and any expected historic effects, as well as a map of the affected area.

We are providing this report so that you may review the information that will form the basis for the Board's independent environmental analysis of this proceeding. If you believe any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 1925 K Street, N.W., Washington, D. C. 20423-0001, Telephone (202) 565-1545, and refer to the above Docket. Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments (with a copy to me) would be appreciated within 3 weeks.

Your comments will be considered by the Board in evaluating the historic impacts of the contemplated action. If there are any questions concerning this proposal, please contact me directly at the above telephone number or address.

Yours very truly,

A handwritten signature in cursive script, appearing to read 'J R Paschall'.

James R. Paschall

JRP:kch  
Enclosures

**HISTORIC REPORT**  
**PROPOSED RAIL LINE ABANDONMENT**

**PROPOSED ACTION AND ALTERNATIVES**

Norfolk Southern Railway Company (NSR) proposes to abandon 4.5 miles of rail line between Milepost AB-1.5 at Escambia Junction and Milepost AB-6.0 at Trenton, South Carolina. A map delineating the line proposed for abandonment is attached as Appendix "A".

The alternatives to abandonment of the line are to not abandon or to discontinue service on the line, retaining the trackage in place. Neither of these alternatives is economically feasible for NSR.

**ADDITIONAL INFORMATION**

- (1) **U.S.G.S. Topographic Map** -- Maps were furnished to the Director of The South Carolina Archives and History.
- (2) **Written Description of Right of Way** -- The right of way width varies but is generally 30-50 feet on each side of the main track. The line passes through forest (75%), agricultural (20%), and residential (5%) areas.
- (3) **Photographs** -- Not applicable. There are no structures on the line that are 50 years old and older.
- (4) **Date of Construction of Structures** -- Not applicable.
- (5) **History of Operations and Changes Contemplated** -- Norfolk Southern Railway Company (NSR) is filing a notice of exemption with the Surface Transportation Board for the abandonment of 4.5 miles of railroad line between

Milepost AB-1.5 at Escambia Junction, South Carolina and Milepost AB-6.0 at Trenton, South Carolina (the Line).

The Escambia Junction, SC-Trenton, SC segment is now the end segment of an unused, dead-end branch line that springs from the NSR line between Columbia, South Carolina and Augusta, Georgia at Trenton, SC in a generally westerly direction.

The Line was originally planned as part of the proposed line of the Edgefield Branch Railroad Company, which was chartered by an Act of South Carolina approved March 12, 1878. The Edgefield Branch Railroad Company's purpose was to construct a railroad from Edgefield, SC to a connection with the Charlotte, Columbia and Augusta Railroad at Trenton, SC, about 6 miles from Edgefield. The town council of Edgefield was authorized to issue bonds in aid of the enterprise.

The Edgefield Branch Railroad's charter was amended by Act of South Carolina approved December 23, 1879. The enterprise was enlarged to construct the line from Edgefield, SC via Trenton, SC to Aiken, SC. The act also changed the name of the company to Edgefield, Trenton and Aiken Railroad Company. Grading of the line exhausted the company's funds. Edgefield, Trenton and Aiken Railroad Company merged with The French Broad and Atlantic Railway Company, in August 1882. Soon thereafter, The French Broad and Atlantic Railway Company and several other lines consolidated to form Carolina, Cumberland Gap and Chicago Railway Company.

Carolina, Cumberland Gap and Chicago Railway Company was formed under a consolidation agreement of October 2, 1882, among Atlantic and French Broad Valley Railroad Company (of North Carolina), The French Broad and Atlantic Railway Company, Cumberland Railway Company, Morristown and Carolina Railroad Company, and Morristown, Cumberland Gap and Ohio Railroad Company. Construction of the Edgefield-Trenton-Aiken line was taken up in 1882 by the Carolina, Cumberland Gap and Chicago Railway Company, which planned to build a railroad from Aiken, SC to Lexington, KY. This would have resulted in a through railroad line between Charleston, SC and the Ohio River near Lexington, KY. This plan also failed, but the new company was able to open the line originally planned from Edgefield, SC to Trenton, SC and on to Aiken, SC, a distance of approximately 24 miles. The line was put in operation in 1888.

On May 1, 1890, the Carolina, Cumberland Gap and Chicago Railway Company was insolvent and was placed in the hands of a receiver. The line was then leased to the receiver of the South Carolina Railway Company. In 1894, the line was further leased to the South Carolina and Georgia Railroad Company.

The Carolina, Cumberland Gap and Chicago Railway Company was reorganized as the Carolina and Cumberland Gap Railway, which was incorporated in South Carolina on November 30, 1896. The line was operated by local interests until it was sold to Southern Railway Company on August 31, 1898. After that date, Southern Railway Company operated the line as a branch line for purely local traffic.

Southern Railway Company was incorporated under the laws of the Commonwealth of Virginia on June 18, 1894. Southern Railway Company was successor to Richmond and West Point Terminal Railway and Warehouse Company (incorporated in 1880) and its subsidiaries, including principal subsidiaries Richmond and Danville Railroad Company (1847), the East Tennessee, Virginia and Georgia Railway Company (1887), Charlotte, Columbia and Augusta Railroad Company (1869), Virginia Midland Railway Company (1880), Columbia and Greenville Railroad Company (1880), Western North Carolina Railroad Company (1880) and Georgia Pacific Railway Company (1881). Except for leased lines of the Atlanta and Charlotte Air Line Railway Company (1877) and the North Carolina Railroad Company (1868), these railroads were declared insolvent and placed in receivers' hands in 1892. In 1894, they were sold at foreclosure sales and deeded to the Southern Railway Company, which also then leased the Atlanta and Charlotte Air Line Railway Company and North Carolina Railroad Company properties. Southern Railway Company acquired several other smaller companies in 1894. After its acquisitions and leases in 1894, Southern Railway Company operated 4,432 miles of railway, 3,940 miles of which were owned and 492 miles of which were leased.

On January 1, 1974, Southern Railway Company acquired and merged old Norfolk Southern Railway Company (and Durham & South Carolina Railroad Company and Norfolk Southern Industrial Development Corporation) into Carolina and Northwestern Railway Company, a Southern Railway Company

subsidiary. The name of the surviving company was Norfolk Southern Railway Company. After the Norfolk Southern consolidation in 1982, the Norfolk Southern Railway Company name was changed to Carolina and Northwestern Railway Company.

Norfolk Southern Corporation, a non-carrier holding company, was incorporated in the Commonwealth of Virginia on July 23, 1980. Based on an Agreement of Merger and Reorganization, dated July 31, 1980, and eventual Interstate Commerce Commission (ICC) approval, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company and their subsidiaries.

On December 4, 1980, Norfolk Southern Corporation, Norfolk and Western Railway Company, and Southern Railway Company filed a joint application to the ICC in Finance Docket No. 29430 (Sub-No. 1), pursuant to which they sought authority under 49 U.S.C. 11343 for Norfolk Southern Corporation to acquire control through stock ownership of Norfolk and Western Railway Company and its subsidiary carrier companies, and of Southern Railway Company and its consolidated system companies.

Under approval granted by the ICC in Finance Docket No. 29430 (Sub-No. 1), *Norfolk Southern Corporation -- Control -- Norfolk and Western Railway Company and Southern Railway Company*, 366 I.C.C. 173 (1982), dated March 19, 1982, Norfolk Southern Corporation acquired control of Norfolk and Western Railway Company and Southern Railway Company on June 1, 1982.

Two books on the Norfolk and Western Railway Company and Southern Railway Company systems provide detailed information on their history and development to the time of the Norfolk Southern consolidation. They are: E. F. Pat Striplin, *The Norfolk And Western: A History* (Roanoke, VA: The Norfolk and Western Railway Co., 1981) and Burke Davis, *The Southern Railway: Road Of The Innovators* (Chapel Hill, NC: University of North Carolina Press, 1985).

On June 1, 1988, Carolina and Northwestern Railway Company was merged into Southern Railway Company.

In ICC Docket No. AB-188X (Sub-No. 50), Norfolk and Western Railway Company -- Abandonment Exemption -- Between Edgefield and Escambia Junction, SC, served January 27, 1987, the ICC issued a notice of exemption permitting NSR (mis-designated as Norfolk and Western in the originally served decision) authorizing the abandonment of the 1.5 miles of Norfolk Southern Railway Company line then at the end of this branch line between Milepost AB-0.0 at Edgefield, SC, and Milepost 1.5 at Escambia Junction, SC. Thus, the Escambia Junction, SC-Trenton, SC segment became a shorter, dead-end branch line springing from the Columbia, SC-Augusta, GA main line.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. On the same date, Norfolk and Western Railway Company became a wholly-owned subsidiary of Norfolk Southern Railway Company rather than a subsidiary of Norfolk Southern Corporation.

Norfolk Southern Railway Company merged its wholly-owned subsidiary,

Southern Railway Company-Carolina Division, into NSR on July 1, 1996, pursuant to an Surface Transportation Board (STB) decision served May 22, 1996 in STB Finance Docket No. 32891, *Norfolk Southern Railway Company - Corporate Family Transaction Exemption - Southern Railway Company-Carolina Division*.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, *Norfolk Southern Railway Company--Merger Exemption--Norfolk and Western Railway Company*, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company into NSR, effective September 1, 1998.

Norfolk Southern Corporation ("NSC"), parent to Norfolk Southern Railway Company ("NSR"), entered into a Transaction Agreement (the "Conrail Transaction Agreement") among NSC; NSR; CSX Corporation ("CSX"); CSX Transportation, Inc. ("CSXT"), a wholly-owned subsidiary of CSX; Conrail Inc. ("CRR"); Consolidated Rail Corporation ("Conrail"), a wholly-owned subsidiary of CRR; and CRR Holdings LLC, dated June 10, 1997, pursuant to which CSX and NSC indirectly acquired all the outstanding capital stock of CRR. The Conrail Transaction Agreement was approved by the Surface Transportation Board ("STB") in a decision served July 23, 1998 in STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company - Control and Operating Leases/Agreements - Conrail Inc. and Consolidated Rail Corporation*. The transaction was closed and became effective June 1, 1999.

On June 4, 2003, Norfolk Southern Corporation (NSC), CSX Corporation (CSX), and Consolidated Rail Corporation (Conrail) announced the joint filing of a petition with the Surface Transportation Board (STB) to establish direct ownership and control by CSX Transportation, Inc. (CSXT) and Norfolk Southern Railway Company (NSR), the railroad subsidiaries of CSX and NSC, respectively, of the two Conrail subsidiaries - New York Central Lines LLC (NYC) and Pennsylvania Lines LLC (PRR).

There has been no demand for rail service over the Escambia, Jct., SC-Trenton, SC branch in recent years. The change contemplated in the operation of the Escambia Jct., SC-Trenton, SC railroad Line is for Norfolk Southern Railway Company to abandon the subject segment because it is unused, unneeded for rail service and is merely a drain on NSR resources. After exercising authority to abandon the line secured through an exemption in this proceeding, to the extent of its title to the real estate, NSR will deal with the right-of-way as ordinary real estate no longer subject to a common carrier obligation.

(6) **Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic** – Not applicable.

(7) **Opinion Regarding Criteria For Listing In The National Register Of Historic Places** - There are no structures on the line to be abandoned. The line passes through forest, agricultural and residential areas. Carrier has no reason to believe that there is any likelihood of finding

archaeological resources or historic properties on the line proposed for abandonment.

- (8) **Subsurface Ground Conditions That Might Affect Archaeological Recovery** -- Carrier is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery.
- (9) **Follow-Up Information** -- Additional information will be provided as appropriate.

## **Notice of Intent to Abandon Rail Service**

Norfolk Southern Railway Company gives notice that on or about April 28, 2004, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a notice of exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903, et seq., permitting the abandonment of a 4.5-mile line of railroad between milepost AB 1.5 at Escambia Junction and milepost AB 6.0 at Trenton, which traverses through United States Postal Service ZIP Code 29847 in Edgefield County, South Carolina. The proceeding will be docketed as No. AB-290 (Sub-No. 253X).

The STB's Section of Environmental Analysis (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 60 days after the filing of the petition for abandonment exemption. Comments on environmental and energy matters should be filed no later than 30 days after the EA becomes available to the public and will be addressed in an STB decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analysis, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1545.

Appropriate offers of financial assistance to continue rail service can be filed with the STB. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the STB. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails use, public use, and offers of financial assistance) must be filed directly with the STB's Office of the Secretary, 1925 K Street, N.W., Washington, DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the STB's Office of Public Assistance at 202-927-7597. Copies of any comments or requests for conditions should be served on the applicant's representative: James R. Paschall, General Attorney, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-9241, (757)629-2759.



Norfolk Southern Corporation  
Law Department  
Three Commercial Place  
Norfolk, Virginia 23510-9241

**EXHIBIT 4**

Writer's Direct Dial Number

**James R. Paschall**  
**General Attorney**

(757) 629-2759

April 16, 2004

Chairman  
South Carolina Public  
Service Commission  
P. O. Drawer 11649  
Columbia, SC 29211

Regional Director  
National Park Service  
100 Alabama St. SW  
1924 Building  
Atlanta, GA 30303

MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

National Park Service  
Recreation Resources Assistance Division  
1849 C Street, N. W. (2310)  
Washington, DC 20240-0001

U. S. Department of Agriculture  
Chief of the Forest Service  
Sidney R. Yates Federal Building  
201 14<sup>th</sup> Street, SW at Independence Ave., SW  
Washington, DC 20250

Mr. William Shaddox  
National Park Service  
Land Resources Division  
1849 C Street, N. W. (2540)  
Washington, DC 20242-0004

Re: STB Docket No. AB-290 (Sub-No. 253X), Norfolk Southern Railway Company –  
Abandonment Between Escambia Junction and Trenton, South Carolina

Ladies and Gentlemen:

Pursuant to 49 CFR 1152.50(d)(1), Norfolk Southern Railway Company (NSR) hereby gives notice that on or about April 28, 2004, it will file with the Surface Transportation Board a notice of exemption from regulation in accordance with the exemption regulations set forth at 49 CFR Part 1152, Subpart F. That notice of exemption will permit NSR's abandonment of a 4.5-mile line of railroad lying between Milepost AB-1.5 at Escambia Junction and Milepost AB-6.0 at Trenton, Edgefield County, South Carolina (see attached map). No revenue traffic has originated or terminated or moved overhead on the line to be abandoned for more than two years. Based on information in our possession, the line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

Very truly yours,

James R. Paschall

JRP:kch  
Enclosure